



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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11/07/92 11/17/92 DARBEE

P 92032

EXAMINER

HILL, A

ART UNIT

PAPER NUMBER

11

2017

DATE MAILED:

04/07/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 1/7/95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449. (1 sheet)
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.

Of the above, claims — are withdrawn from consideration.

2. ☐ Claims — have been cancelled.

3. ☐ Claims — are allowed.

4. ☒ Claims 1-11 are rejected.

5. ☐ Claims — are objected to.

6. ☐ Claims — are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on —. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on —, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed —, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. —; filed on —.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 01/17/95. Claims 1, 7, 10 and 11 have been amended. The specification has been amended as requested, except that the amendments requested to page 7, lines 17-18 and to line 19 have not been entered since the material referred to in applicants amendment does not occur at such point in the specification. Claims 1-11 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2, 6 and 11 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Kurita.

4. Claims 1-2, 6 and 11 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Beery '947.

5. Claims 1-2, 6 and 11 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Beery '734.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 3-5 and 7-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Kurita, Beery '947 and Beery '734 as applied to claims 1-2, 6 and 11 above, and further in view of Osborne et al.

Claims 7 and 10:

Osborne et al. discloses a method of reassigning a function to a key in a calculator which is analogous to the claimed remote control transmitter. Osborne teaches key assignment such as claimed (see FIGS. 2-3; col. 2, line 64 to col. 6, line 42), and Osborne acknowledges that such implementation which

advantageously reduces the amount of required storage space (col. 1, lines 58-60). Thus Osborne exemplifies such feature as claimed, although Osborne does not expressly recite application of such implementation in a remote controller.

However, one of ordinary skill in the art would have readily recognized that the key assignment implementation of Osborne would have been highly desirable in the controller exemplified by Kurita, Beery '947 and Beery '734, as each concern programming keypads of limited size, and each concern small hand-held microprocessor devices with limited storage space. Thus it would have been obvious to the artisan to utilize the implementation taught by Osborne in the remote controller exemplified by Kurita, Beery '947 and Beery '734 in order to effectuate key assignment which reduces the amount of required storage space.

Claims 3-5 and 8-9:

It would have been obvious to utilize any appropriate key sequence to enter a programming routine, as desired, since such is conventional in the art.

As such, it would have been further obvious to have the features as claimed.

Response to Amendment

8. Applicant's arguments filed 01/17/95 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Kurita does not concern reassigning a command function to a key, and asserts that Kurita merely defaults to a programmed command function. Clearly, applicant is interpreting Kurita entirely too narrowly, as Kurita does indeed teach assigning a command function to a key, which is a reassignment of the function to that key.


Applicant further argues that Osborne et al. does not teach enabling a user to assign a different command function to a key on a keypad, as Osborne et al. is concerned with designating a key to have two different functions. However, Osborne et al. does enable a user to program a different function to a key, as pointed out above.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hill whose telephone number is (703) 305-8967.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Examiner Peng, can be reached at (703) 305-4392. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

 **ANDREW M. HILL**
PATENT EXAMINER
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A.H.
April 3, 1995



BRENT SWARTHOUT
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